

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

INVESTIGATION OF PRICE ESTATES)
SUBDIVISION WASTEWATER TREATMENT SYSTEM)
AND ROBERT TRIMBLE)

CASE NO. 91-071

ALLEGED VIOLATION OF KRS CHAPTER 278)

O R D E R

This matter arises out of an inspection report of Price Estates Subdivision Sewage Treatment Plant in Johnson County wherein the plant was cited to be in violation of 807 KAR 5:071, and it appearing to this Commission as follows:

On July 30, 1990, a utility investigator for the Commission conducted an inspection of the Price Estates sewage treatment plant in Johnson County. On August 6, 1990, the inspector issued a report citing the plant with violation of 807 KAR 5:071, Section 7(1). A reinspection of the plant on January 24, 1991 resulted in a report issued on February 4, 1991 which found that the cited deficiencies had not been corrected. An Order was subsequently issued by the Commission on July 5, 1991 directing Joann Trimble to show cause why she should not be penalized pursuant to KRS Chapter 278 for failing to operate the plant in conformity with Commission regulations.

A hearing on the show cause Order was held before the Commission on August 7, 1991 at which Joann Trimble appeared, but

was not represented by counsel. At the hearing, Joann Trimble did not deny the violation but disclaimed any interest in the treatment plant.

According to deeds of record in the Johnson County Court Clerk's office, a small parcel of land in the subdivision was conveyed to Price Estates, Inc. on May 3, 1973, and it was apparently on this parcel that the plant is situated. Subsequently, Price Estates, Inc. conveyed the sewer plant to Thelma Activities, Inc., a Kentucky corporation. Thelma Activities, Inc. was dissolved by the Secretary of State in 1985. At the time of its dissolution, Robert Trimble was the sole shareholder in Thelma Activities, Inc. and the assets of the corporation became his property.

Robert Trimble died on March 12, 1991 and, on April 27, 1991, his will was admitted to probate, and Joann Trimble was appointed executrix of his estate. In his will, Robert Trimble devised any interest he owned in property belonging to Thelma Activities, Inc. to the Thelma Development Club, and he devised the residue of his estate to Joann Trimble, his wife. However, in 1985, several years prior to his death, Robert Trimble had attempted to give the sewage treatment plant to the residents of the subdivision. Although a deed transferring title was never executed and delivered to the residents, from 1985 to the present, the plant has been in their exclusive possession and control, and they have been responsible for its operation. Each resident of the subdivision contributes to its maintenance and upkeep, and one of the residents, Olin Fitch, is responsible for the day-to-day

operations of the plant and all bills and other correspondence relating to the plant are sent to him.

By reason of their interest in the plant, the residents of Price Estates and the Thelma Development Club should be made a party to this proceeding. The parties should then be directed to appear before this Commission at an informal conference to resolve the issues raised by the investigative report and during the course of the hearing.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

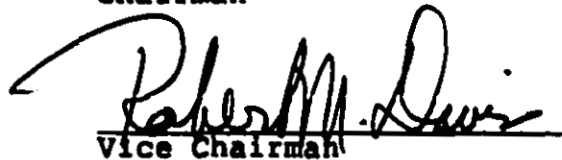
1. The residents of Price Estates and the Thelma Development Club be and hereby are made parties to this proceeding.

2. Joann Trimble, the residents of Price Estates, and representatives of the Thelma Development Club are directed to appear at an informal conference before this Commission on November 7, 1991 at 1:30 p.m., Eastern Standard Time, in Conference Room 1, of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of addressing the issues raised by the investigative report and during the course of the hearing.

Done at Frankfort, Kentucky, this 30th day of September, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director